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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,562	01/25/2002	Eric Saund	D/A1318Q XER 2 02460	8881
7590	01/23/2004		EXAMINER	
Mark S. Svat Fay, Sharpe, Fagan, Minnich & McKee, LLP 1100 Superior Avenue, 7th Floor Cleveland, OH 44114-2518			CUNNINGHAM, GREGORY F	
			ART UNIT	PAPER NUMBER
			2676	3
DATE MAILED: 01/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/056,562	SAUND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Greg Cunningham	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 January 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-23 is/are rejected.

7)  Claim(s) 6, 10 and 13 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 January 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a)  The translation of the foreign language provisional application has been received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . 6)  Other: \_\_\_\_\_ .

**DETAILED ACTION**

1. This action is responsive to communications of application filed 1/25/2002.
2. The disposition of the claims is as follows: claims 1-23 are pending in the application. Claims 1, 11 and 14 are independent claims.
3. The group and/or Art Unit location of your application has changed. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 11/03). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

*Specification*

4. The disclosure is objected to because of the following informalities:  
On p. 7, para. [0040], in second sentence “a circle 30 and a tail 32 are modified” should be “a circle 36 and a tail 38 are modified”.  
Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-3, 7, 8, 11 and 12 are rejected under 35 U.S.C. 102(a) as being disclosed by Seni et al., (PGPUB-DOCUMENT-NUMBER: 20030007018), hereafter Seni.

A. Claim 1, “An image analysis and conversion method comprising: receiving a digital ink image [para. 0026]; and converting [para. 0015, 0016, 0019, 0020] the digital ink image into structured object representations of the digital ink image [para. 0024], which are editable by a structured text/graphics editor [para. 0022, 0023]” is disclosed [as detailed]. Wherein recognition corresponds to converting.

B. Claim 2, “The method according to claim 1 wherein the converting step includes, altering the digital ink image into multiple alternative interpretations” [para. 0024], is disclosed *supra* for claim 1 and [as detailed]. Wherein recognition options correspond to alternative interpretations.

C. Claim 3, “The method according to claim 2 wherein the altering of the digital ink image into multiple alternative interpretations includes, altering the digital ink image into informal structured object representations that are editable by the structured text/graphics editor; and altering the digital ink image into formal structured object representations that are editable by the structured text/graphics editor”, is disclosed *supra* for claim 2 and wherein informal is depicted at 104 and formal is depicted under 116, “happy” of Fig. 1.

D. Claim 7, “The method according to claim 1 wherein the step of converting the digital ink image to the structured object representations includes generating multiple structured object representations of the digital ink image [para. 0016 at “a secondary list of potential recognition candidates may be displayed in a box 120”], the multiple structured object representations representing at least a first image representation having formal structured object representations [para. 0016 at “As each word is recognized, it is shown inserted into the text at the top of the interface display 102], and a second image representation containing informal structured object

representations [para. 0016 at “A lower portion of the display is designated as a handwriting input area 104.”] is disclosed *supra* for claim 1 and [as detailed].

E. Claim 8, “The method according to claim 1 wherein the editing by the structured text/graphics editor permits movement of structured object representations by at least one of, individual objects, a sub-group of all the structured object representations [para. 0022 at “Editing operations may include, but are not limited to: insert a space 108, backspace 112, delete 114, capitalize recognition result 110, and undo insertion of last recognition result 106.”], or as an overall group of the structured object representations” is disclosed *supra* for claim 1 and [as detailed]. Wherein delete corresponds to editing a sub-group of all the structured object representations. Said sub-group of all the structured object representations corresponds a letter or character of a word or multi-digit number.

F. Per independent claim 11, this is directed to a system for performing the method of independent claim 1, and therefore is rejected to independent claim 1.

G. Per dependent claim 12, this is directed to a system for performing the method of claim 1 and in part of dependent claim 7, and therefore is rejected to claim 1 and dependent claim 7.

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seni as applied to claim 1 above, and further in view of Official Notice.

A. Claim 4, "The method according to claim 1 wherein the step of converting the digital ink image into structured object representations of the digital ink image includes configuring the structured object representations to represent an electronic slide of the structured text/graphics editor" is disclosed supra for claim 1. Although Seni does not appear to disclose, "includes configuring the structured object representations to represent an electronic slide", Official notice is taken that the art is replete with importing capabilities to configure structured object representations to represent an electronic slides for example Powerpoint by Microsoft Corporation.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital ink recognition disclosed by Seni in combination with electronic slides disclosed by Official Notice (Powerpoint), and motivated to combine the teachings because it would be obvious since these features are well known in the art.

9. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seni as applied to claim 1 above, and further in view of Wilcox et al., (US-PAT-NO: 5,889,523), hereafter Wilcox.

A. Claim 5, "The method according to claim 1, wherein the converting step includes forming of an Alternative graph" is disclosed by Seni supra for claim 1. Although Seni does not appear to disclose "wherein the converting step includes forming of an Alternative graph", Wilcox does in abstract and col. 2, lns. 24-46. Wherein cluster tree corresponds to alternative graph.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital ink recognition disclosed by Seni in combination with cluster tree (alternative graph) disclosed by Wilcox, and motivated to combine the teachings because it would be an important interface issue in graphical editing systems as revealed by Wilcox in col. 1, lines 12-16.

B. Claim 9, "The method according to claim 1 wherein the digital ink image is converted into the structured objects representations of the digital ink image through the use of an Alternative Graph" is disclosed by Seni supra for claim 1 and Wilcox for claim 5.

10. Claims 14, 15, 17-20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seni as applied to claim 1 above, and further in view of Golovchinsky et al., (US-PAT-NO: 6,389,435), hereafter Golovchinsky.

A. Claim 14, "On a screen display of an electronic device operating a structured text/graphics editor, an image representation comprising: structured object representations of a digital ink image, the structured object representations correlating to perceptually salient areas of the digital ink image, wherein the structured object representations are editable by the structured text/graphics editor to allow a user to generate alternative interpretations of the digital ink image" is disclosed by Seni supra for claim 1. Although Seni does not appear to disclose "representations correlating to perceptually salient areas of the digital ink image", Golovchinsky does in [col. 4, lns. 58-67].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital ink recognition disclosed by Seni in combination with salient digital ink disclosed by Golovchinsky, and motivated to combine the teachings because

combinations of shapes and colors can be used for the freeform digital ink marks to create a large number of identifiable terms as revealed by Golovchinsky in col. 2, lines 23-25.

B. Claim 15, “The image representation according to claim 14 wherein the structured object representations are informal structured object representations, and wherein the informal structured object representations are editable to formal structured object representations” is disclosed supra for claim 14 and furthermore by Seni in [para. 0022], particularly at “At any time, the user can select one (or more) character(s) from a previously entered word and write a new character(s) in the input area with the result replacing the selected text”.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital ink recognition disclosed by Seni in combination with salient digital ink disclosed by Golovchinsky, and motivated to combine the teachings because combinations of shapes and colors can be used for the freeform digital ink marks to create a large number of identifiable terms as revealed by Golovchinsky in col. 2, lines 23-25.

C. Claim 17, “The image representation according to claim 14 wherein a first structured object representation is spatially contained within a second structured object representation” is disclosed by Seni and Golovchinsky supra for claim 14. Wherein a letter corresponds to a first structured object and a word corresponds to a second structured object wherein the two are spatially connected.

D. Claim 18, “The image representation according to claim 14 wherein a new structured object representation is added to existing structured object representations” is disclosed by Seni and Golovchinsky supra for claim 14. See Seni, Fig. 1, wherein each new word is added to existing structured text at top of area 102.

E. Claim 19, “The image representation according to claim 14 wherein the structured object representations define a text block structure” is disclosed by Seni and Golovchinsky *supra* for claim 14. See Seni, Fig. 1.

F. Claim 20, “The image representation according to claim 19 wherein the text block structure includes a display of text parameters including at least one of text layout, text font, bullets, underlines and dummy characters” is disclosed by Seni and Golovchinsky *supra* for claim 18. See Seni, Fig. 1, depicted text layout.

G. Claim 22, “The image representation according to claim 14 wherein distinct alternative interpretations may be displayed at the same time” is disclosed by Seni and Golovchinsky *supra* for claim 14. See Seni, Fig. 1, pop-up window list 120.

H. Claim 23, “The image representation according to claim 22 wherein display of the alternative interpretations is accomplished by the use of at least one of underlays, bubble or balloon images, coloring, shading transparency/translucency, defocusing, and pop-up windows” is disclosed by Seni and Golovchinsky *supra* for claim 14. See Seni, Fig. 1, pop-up window list 120.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seni as applied to claim 1 above, further in view of Golovchinsky et al., (US-PAT-NO: 6,389,435), hereafter Golovchinsky, and further in view of Official Notice.

A. Claim 21, “The image representation according to claim 20 wherein the dummy characters are replaceable with target characters” is disclosed by Seni and Golovchinsky *supra* for claim 20. However they do not appear to disclose, “wherein the dummy characters are replaceable with target characters”, but Official notice is taken that the art is replete wherein the

dummy characters are replaceable with target characters in the form of temporary characters, templates, boiler plate documents and slides, and place holders.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital ink recognition disclosed by Seni in combination with salient digital ink disclosed by Golovchinsky coupled with dummy characters disclosed by Official Notice (target characters in the form of temporary characters, templates, boiler plate documents and slides, and place holders), and motivated to combine the teachings because combinations of shapes and colors can be used for the freeform digital ink marks to create a large number of identifiable terms as revealed by Golovchinsky in col. 2, lines 23-25.

12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seni as applied to claim 1 above, further in view of Golovchinsky et al., (US-PAT-NO: 6,389,435), hereafter Golovchinsky and further in view of Mahoney et al., (US-PAT-NO: 6,470,095), hereafter Mahoney.

A. Claim 16, "The image representation according to claim 15 wherein the alternative interpretations permit a mixing of formal structured object representations and informal structured object representations in a single image representation displayed on the computer screen" is disclosed by Seni and Golovchinsky *supra* for claim 15. Although Seni and Golovchinsky do not appear to disclose, "wherein the alternative interpretations permit a mixing of formal structured object representations and informal structured object representations in a single image representation displayed on the computer screen", Mahoney does in Fig. 3 at col. 2, lns. 45-49.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital ink recognition disclosed by Seni in combination with salient digital ink disclosed by Golovchinsky coupled with handwritten and typeset text displayed in a single image disclosed by Mahoney, and motivated to combine the teachings because combinations of shapes and colors can be used for the freeform digital ink marks to create a large number of identifiable terms as revealed by Golovchinsky in col. 2, lines 23-25 and because the amount of a human user's time required to enter and edit such user-created borders is significant as revealed by Mahoney in col. 1, lns. 22-23.

***Allowable Subject Matter***

17. Claims 6, 10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Responses***

18. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 308-6606 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

*Inquiries*

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

*J. F. Cunningham*

gfc

November 14, 2003

*Matthew C. Bella*

MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600